



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael A. Apicella  
 Serial No. : 09/077,572  
 Filed : June 1, 1998  
 Title : NON-TOXIC MUTANTS OF PATHOGENIC GRAM-NEGATIVE BACTERIA

Art Unit : 1645  
 Examiner : S. Devi, Ph.D.

JUN 22 2004

TECH CENTER 1600/2900

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 CFR §§3.73(b) AND 1.321(b)

Pursuant to 37 CFR §3.73(b), UNIVERSITY OF IOWA RESEARCH FOUNDATION, a university, and THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, a university, certify that they are the assignees of the entire right, title, and interest in the above application by virtue of:

A chain of title from the inventors of the patent application identified above, to the current assignee as shown below:

1. From Bradford W. Gibson to THE REGENTS OF THE UNIVERSITY OF CALIFORNIA. The document was recorded in the Patent and Trademark Office at Reel 010083, Frame 0800, a copy of which is attached.

2. From Michael A. Apicella, Melvin G. Sunshine, and Na-Gyong Lee to UNIVERSITY OF IOWA RESEARCH FOUNDATION. The document was recorded in the Patent and Trademark Office at Reel 010083, Frame 0818, a copy of which is attached.

The undersigned has reviewed all the documents in the chain of title of the above-identified application and to the best of undersigned's knowledge and belief, title is in the assignee identified above.

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June 9, 2004  
 Date of Deposit

Jill Huso  
 Signature

Typed or Printed Name of Person Signing Certificate

Applicant : Michael A. Apicella  
Serial No. : 09/077,572  
Filed : June 1, 1998  
Page : 2 of 3

Attorney's Docket No.: 17023-002US1 / N5-50

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

Pursuant to 37 CFR §1.321(b), and to obviate a double patenting rejection, the assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Application Serial No. 08/565,943, whereby the patent granted on this application and U.S. Application Serial No. 08/565,943 will expire on the same day, provided that any patent granted on the above identified application shall be enforceable only for and during such period that it is commonly owned with U.S. Application Serial No. 08/565,943.

The assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Application Serial No. 08/565,943 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Application Serial No. 08/565,943.

This disclaimer runs with any patent granted on the above application and is binding upon the grantee, its successors or assigns.

Enclosed is a check for \$110 for the required fee pursuant to 37 CFR §1.20(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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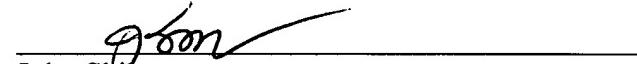
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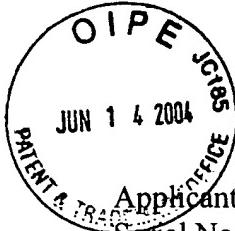
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W. Bruce Wheaton  
Executive Director

REGENTS OF THE UNIVERSITY OF  
CALIFORNIA

Date: 6 03 04

  
John Shin  
Licensing Officer



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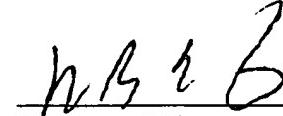
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FOUNDATION

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6/4/01

  
W. Bruce Wheaton  
Executive Director

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Date:

  
John Shih  
Licensing Officer